(3)

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL

BENCH AT RAIPUR (CHHATTISGARH)

OP/01/32861/01

Origional Application No._____/2001

Yashwant Kumar Patel
son of Shri Tikeshwar Prasad Patel,
Asstt. Teacher, Posted at Primary
School Siriagarh, District Janjgir
Champa Chhattisgarh. ... Applicant

Verusus

1. State of Chhattisgarh,
Through Secretary,
School Education Department,
Mantralaya, D.K.S.Bhawan,
Raipur (Chhattisgarh).

2. Director,
Public Instructions Chhattisgarh,
Pension Bada, Raipur (C.G.).

3. District Education Officer,
District Janjgir, Champa. .. Nonapplicants.

APPLICATION UNDER SECTION 19 OF THE STATE ADMINISTRATIVE TRIBUNAL 1985.

(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3788 of 2005

Petitioner — Yashwant Kumar Patel
Versus
Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Anupam Dubey, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Primary School, Siriagarh, District – Janjgir Champa was transferred to Middle School, Parsada, on the same terms and conditions vide impugned order dated 10.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 22.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 14.9.2001. By virtue of the interim order the petitioner is working at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur